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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/677,058 09/29/00 FRIERY

E 14097

EXAMINER

PM82/1003

SALLY J BROWN
AUTOLIV ASP INC
3350 AIRPORT ROAD
OGDEN UT 84405

LUM, L

ART UNIT

PAPER NUMBER

3611

DATE MAILED:

10/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/677,058

Applicant(s)

Friery et al

Examiner

Lum, Lee S.

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 29, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1A. **Claims 1-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al 5499842 in view of Sugiyama et al 5685560.

Re **Claims 1, 3-9 and 11-13**, Yamamoto discloses cover 10 for safety restraint device M comprising

face portion 11/12 positioned between the device and interior compartment of the vehicle,
the face portion comprising exterior side (unidentified) facing away from the
device, and,
seam 15 in the face portion.

The patent does not disclose a nonlinear portion having a plurality of bends, while Sugiyama shows this configuration in Figs. 8-9 (seam in membrane switch). However, this particular feature is a design choice because it does not affect the functional objective of the seam or cover.

Re **Claim 10**, the patents do not disclose the bends as having nonuniform size and shape, but this feature is also a design choice, and immaterial to patentability.

Re **Claim 14**, Yamamoto discloses the face portion as formed by single-shot construction (Col. 4, line 62), and operates exclusively of an outer layer.

NOTE: The process by which an apparatus is made has no patentable weight.

Re **Claims 24 and 26-29**, the patents disclose the recited elements as just described.

1B. **Claims 2, 15 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Sugiyama, and in further view of Rheinland 5863064.

The previous patents do not disclose an outer, and cosmetic, layer to the exterior of the face portion while Rheinland discloses outer layer 20, with interior layer 22 having seam 30.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include an outer layer having a cosmetic surface attached to the face portion, which includes the tear seam, for adaptation to different applications.


2. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure, in addition to the art listed on the IDS filed 1/26/01: Kreile 6199897, Goto et al 6129378, Rahmstorf et al 6106003, Proos et al 5335935.

3. **Communication with the Examiner and USPTO**

Any inquiry concerning this communication should be directed to Ms. Lum at telephone number (703) 305-0232, 9-530, M-F. Her supervisor, Ms. Judy Swann, can be reached at (703) 306-4115.

Our fax number is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Ms. Lee S. Lum
Examiner
9/25/01


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600